

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Nov 29, 2022**

SEAN F. McAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Terrence Anthony Kinard Case Number: 0980 2:15CR00118-WFN-1

Address of Offender: [REDACTED] Spokane, Washington 99202

Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge

Date of Original Sentence: February 9, 2017

Original Offense: Conspiracy to Distribute 5 Grams or More of Pure (Actual) Methamphetamine,
21 U.S.C. §§ 841(a)(1), (b)(1)(B)(viii) and 846;
Distribution of a Mixture or Substance Containing a Detectable Amount of Heroin,
21 U.S.C. § 841(a)(1), (b)(1)(C)

Original Sentence: Prison - 120 Months; Type of Supervision: Supervised Release
TSR - 48 Months

Amended Sentence: Prison - 2,218 Days;
(November 24, 2021) TSR - 48 Months

Asst. U.S. Attorney: Timothy John Ohms Date Supervision Commenced: November 30, 2021

Defense Attorney: Amy H. Rubin Date Supervision Expires: November 29, 2025

PETITIONING THE COURT

To **issue a WARRANT** and to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 03/17/2022, 03/23/2022, 04/12/2022, 08/25/2022, 08/30/2022, 09/21/2022, and 09/26/2022.

On December 1, 2021, Mr. Terrence Kinard signed his conditions relative to case number 2:15CR00118-WFN-1, indicating he understood all conditions as ordered by the Court. Specifically, Mr. Kinard was made aware by his U.S. probation officer that he was required to refrain from the use of illicit substances.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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Mandatory Condition #3: You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the Court.

Supporting Evidence: Mr. Kinard is alleged to have violated mandatory condition number 3 by ingesting methamphetamine, occurring on or about both November 9 and 16, 2022, based on urinalysis testing.

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Specifically, on November 9, 2022, Mr. Kinard presented at Pioneer Human Services in Spokane for the purpose of submitting to random urinalysis testing as required. As a part of the contact, Mr. Kinard subsequently submitted a urinalysis sample that tested presumptive positive for amphetamine.

On November 10, 2022, a drug use admission form was received by the U.S. Probation Office in Spokane, in which the client signed his name and checked the box denying any use of illicit substances as indicated. The sample was packaged and forwarded to the lab for the purpose of verification.

On November 17, 2022, the undersigned officer received the lab report specific to the client's submitted urinalysis testing on November 9, 2022, in which the sample was confirmed by the lab as positive for amphetamine and methamphetamine.

On November 16, 2022, Mr. Kinard again presented at Pioneer Human Services and this time submitted a urinalysis sample that tested presumptive positive for amphetamine and methamphetamine.

On November 17, 2022, a drug use admission form was received by the U.S. Probation Office in Spokane, in which the client signed his name and checked the box denying any use of illicit substances as indicated. The sample was packaged and forwarded to the lab for the purpose of verification.

On November 23, 2022, the undersigned officer received the lab report specific to the client's submitted urinalysis testing on November 16, 2022, in which the sample was confirmed by the lab as positive for amphetamine and methamphetamine.

On November 18, 2022, Mr. Kinard was contacted by the undersigned officer telephonically due to his apparent continued use of illicit substances, at which time Mr. Kinard remained adamant that he was not ingesting illicit substances.

The U.S. Probation Office respectfully recommends the Court to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court, and that the Court **issue a WARRANT**.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: November 28, 2022

s/Chris Heinen

Chris Heinen

U.S. Probation Officer

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THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

11/29/2022

Date